

DETAILED ACTION

Claim Rejections - 35 USC § 112, 2nd

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 is indefinite in that it is not clear whether or not same intends to positively recite the presence of coffee in the pod. The confusion exists in particular because claim 8 appears to positively recite “the coffee packed inside the pod”.

Claims 9 and 10 are confusing in that it is not clear what portions are being referred to. If “portions” in claims 9 and 10 refer to the “coffee portions” articulated in line 1 of claim 7, then claims 9 and 10 are further confusing because it is not clear what the portions are being compared to (e.g. “portions of equal weight” in claim 10). In addition the term “good quality espresso coffee” is indefinite since such terminology is relative. In other words, what is good quality to one person may only be fair to someone else, for example.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 3504441 or under 35 U.S.C. 102(e) as being anticipated by Cai.

DE 3504441 discloses a paper filter pod for coffee having an asymmetrical shape in relation to a sealing plane of a circular peripheral zone (6) wherein the coffee contained therein has a central portion that is slightly sunk in relation to said plain, said coffee not adhering to the overlying central portion of the pod (see the surface of 8 and compare with cover 5).

Cai discloses a paper filter pod for coffee having an asymmetrical shape in relation to a sealing plane of a circular peripheral zone (37) wherein the pod has a central portion that is slightly sunk in relation to said plain (e.g. Figures 4, 6 and 13; col. 5, lines 24-44). Cai recites nothing regarding applying adhesive or any other means that would cause coffee grounds to adhere to the overlying central part of the pod.

As discussed in the rejection under 35 USC 112 above, it is not clear what the coffee is being compared to. As such, the coffee contained in each of the pods discussed herein may be compressed to a large or light degree.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Weier whose telephone number is 571-272-1409. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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